

Remarks

A. Introduction

Claims 1-29 and 31-37 were pending prior to entry of the preceding amendments, and *claims 1-29 and 31-41* are pending now. The Examiner finally rejected many of the previously-pending claims under 35 U.S.C. § 112, expressing uncertainty whether they reference at least two, or at least three, waveguides. The Examiner additionally rejected the previously-pending claims under 35 U.S.C. § 103(a) based principally on the disclosures of U.S. Patent Nos. 7,087,872 to Dobie, et al. and 4,464,554 to Bakanowski, et al., ignoring claim language reciting “the oven is operable for launching hot gas into the oven cavity from . . . opposing sides” because such language purportedly “is only an intended function without any corresponding structure to perform the same.” See Office Action at p. 4.

B. Section 103(a) Rejections

1. Independent Claims 1, 17, 22, 28, and 41

Without conceding the merit of any rejection of the Examiner, Applicant has rewritten the previously-ignored portion of independent claims 1, 17, 22, and 28 to recite “means for launching hot gas into the oven cavity from said opposing sides of the cavity.” As now drafted, each of these claims (as well as new independent claim 41) describes a speed cooking oven configured structurally so that *both* microwave energy and hot gas are launched into the oven cavity from opposing sides thereof.

This configuration *clearly* differs from those of the ovens of the Dobie and Bakanowski patents. *In the Dobie patent, microwave energy is launched from*

(only) one side of the cavity, and hot gas is launched from (only) the opposing side. See, e.g., Dobie, Figs. 2-4; see also id., col. 5, ll. 17-49; col. 6, ll. 56-61 (hot gas enters the cavity via opening 70 and orifices 72 of side wall 19; microwaves are launched into the cavity via openings 200 of opposite side wall 21). *In the Bakanowski patent, microwaves are launched from the top and bottom of the cavity and no hot gas is employed.* Hence, even assuming (but not conceding) someone skilled in the art would have known to combine the disclosures of the Dobie and Bakanowski patents, such combination would not result in the oven presently claimed. For at least this reason, therefore, Applicant requests that claims 1-29 and 31-41 be allowed.

2. Independent Claim 28

Previously recited in claim 28 is that at least *two* waveguides are operably associated with *one* magnetron yet still are configured to launch microwave energy into the oven cavity from opposing sides. Although Applicant agrees with the Examiner that the Bakanowski patent discloses two waveguides 46 and 50 associated with a single magnetron 40, as noted above these waveguides are *not* configured to launch microwaves from the sides of the oven cavity. Although the Dobie patent likewise discloses at least two waveguides, *no* two waveguides are associated with any single magnetron. Instead, *each* waveguide 212, 400, or 402 is associated with a *separate* magnetron 210 or 410. See Dobie, col. 6, ll. 61-64 (“there are three series of openings 200, *each* being served by a *separate* magnetron assembly 210”); col. 7, ll. 1-4 (“each magnetron 210 feeds microwaves into and through a conduit 212 associated with the particular magnetron assembly”); Fig. 17 (illustrating a separate

magnetron 410 for each of waveguides 400 and 402). Furthermore, as noted above, the Dobie patent too does not illustrate launching microwaves from opposing sides of the cavity. Hence, even though Applicant has made a minor clarifying amendment to claim 28, he believes no *prima facie* basis existed for the Examiner's prior rejection of the claim. Applicant accordingly believes this additional reason supports allowance of independent claim 28.

C. Section 112 Rejection

In the Office Action, the Examiner finally rejected claims 1-27, 29, 31-34, and 36-37 as indefinite, contending uncertainty existed as to whether the claims referenced at least two, or at least three, waveguides. Applicant disagrees with the Examiner's contention. Nevertheless, for additional clarity Applicant has amended independent claims 1, 17, and 22 to ensure coverage for usage of *at least two* waveguides in an oven and accordingly requests that the indefiniteness rejection be withdrawn.

Conclusion

Applicant requests that the Examiner allow claims 1-29 and 31-41 and that a patent containing these claims issue in due course.

Respectfully submitted,



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